

Jennifer Sun (State Bar No. 238942)  
jennifersun@jonesday.com  
JONES DAY  
3161 Michelson Drive, Suite 800  
Irvine, CA 92612.4408  
Telephone: (949) 851-3939  
Facsimile: (949) 553-7539

Attorneys for Defendant  
EXPERIAN INFORMATION SOLUTIONS, INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PERRY J. FERRUCCI AND BETSY P.  
FERRUCCI,

Plaintiffs,

v.

BANK OF AMERICA, N.A.; EQUIFAX  
INFORMATION SERVICES, LLC;  
EXPERIAN INFORMATION SOLUTIONS,  
INC.,

Defendants.

Case No. 2:20-cv-01043-JAM-KJN

Hon. John A. Mendez

**STIPULATION AND ORDER RE:  
SETTING OF SETTLEMENT  
CONFERENCE**

Complaint filed: May 21, 2020

IT IS HEREBY STIPULATED by and between Plaintiffs Perry J. and Betsy P. Ferrucci (“Plaintiffs”), and Defendants Bank of America, N.A. (“BANA”) and Experian Information Solutions, Inc. (“Experian”), through their respective attorneys of record, as follows:

WHEREAS, on September 30, 2020, the parties filed their Fed. R. Civ. P. 26(f) Joint Report and requested that a Settlement Conference be set in this action in February 2021 (ECF No. 15 at 10);

WHEREAS, on October 9, 2020, the Court issued its Status (Pre-trial Scheduling) Order, wherein the Court did not set a Settlement Conference, but indicated that the parties could request that one be scheduled prior to the final pre-trial conference (ECF NO. 16 at 8);

WHEREAS, the parties have completed written discovery, subpoenaed documents from

1 non-parties, and completed the depositions of both Plaintiffs, and agree that they have completed  
2 sufficient discovery at this time to engage in good faith settlement discussions without incurring  
3 unnecessary fees and costs conducting additional depositions and non-party discovery;

4 WHEREAS, Plaintiffs have engaged in settlement discussions with each Defendant, but at  
5 this time, only Plaintiffs and Defendant Equifax Information Services LLC have been able to  
6 reach a settlement; however, settlement discussions with BANA and Experian are ongoing;

7 WHEREAS, counsel for Plaintiff, BANA, and Experian have met and conferred about  
8 options for facilitating resolution of their disputes in this action and evaluating each party's  
9 respective positions, and believe that a Settlement Conference with a U.S. Magistrate Judge  
10 would be the most effective method for doing so; and

11 WHEREAS, the parties desire to schedule a Settlement Conference within the next 30-60  
12 days to facilitate their ongoing settlement discussions, and prior to completing discovery and  
13 filing planned dispositive motions.

14 THEREFORE, the parties respectfully request that the Court refer this action to a U.S.  
15 Magistrate Judge for purposes of setting a Settlement Conference at the earliest available date  
16 convenient to the Court.

17 Dated: August 12, 2021

JONES DAY

18  
19 By: /s/ Jennifer Sun  
Jennifer Sun

20 Attorneys for Defendant  
21 EXPERIAN INFORMATION SOLUTIONS,  
INC.

22  
23 Dated: August 11, 2021

ZEMEL LAW, LLC

24 By: /s/ (authorized 8/11/2021)  
Daniel Zemel (*Admitted pro hac vice*)

25 Attorneys for Plaintiffs  
26 BETSY & PERRY FERRUCCI  
27  
28

1 Dated: August 11, 2021

SEVERSON & WERSON

2 By: /s/ (authorized 8/11/2021)

3 Joel C. Spann

4 Attorneys for Defendant  
5 BANK OF AMERICA, N.A.

6  
7 **ORDER**

8 PURSUANT TO THE PARTIES' STIPULATION, IT IS HEREBY ORDERED that this  
9 action is being referred to a U.S. Magistrate Judge for the setting of a Settlement Conference at  
10 the earliest available date. IT IS HEREBY ORDERED that the parties contact the Courtroom  
11 Deputy for Magistrate Judge Allison Claire to obtain available dates for the Settlement  
12 Conference forthwith.

13  
14 Dated: August 12, 2021

/s/ John A. Mendez

15 THE HONORABLE JOHN A. MENDEZ  
16 UNITED STATES DISTRICT COURT JUDGE  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28